

***Effective 5/13/2014***

***Superseded 5/12/2015***

**53-5a-104 Firearm transfer certification.**

- (1) As used in this section:
  - (a) "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm.
  - (b) "Chief law enforcement officer" means any official the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any successor agency, identifies by regulation or otherwise as eligible to provide any required certification for the making or transfer of a firearm.
  - (c) "Firearm" has the same meaning as provided in the National Firearms Act, 6 U.S.C. Sec. 5845(a).
- (2) A chief law enforcement officer may not make a certification under this section that the chief law enforcement officer knows to be untrue. The chief law enforcement officer may not refuse to provide certification based on a generalized objection to private persons or entities making, possessing, or receiving firearms or any certain type of firearm, the possession of which is not prohibited by law.
- (3) Upon receiving a federal firearm transfer form a chief law enforcement officer or the chief law enforcement officer's designee shall provide certification if the applicant:
  - (a) is not prohibited by law from receiving or possessing the firearm; or
  - (b) is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving or possessing the firearm.
- (4) The chief law enforcement officer, the chief law enforcement officer's designee, or official signing the federal transfer form shall:
  - (a) return the federal transfer form to the applicant within 15 calendar days; or
  - (b) if the applicant is denied, provide to the applicant the reasons for denial in writing within 15 calendar days.
- (5) Chief law enforcement officers and their employees who act in good faith when acting within the scope of their duties are immune from liability arising from any act or omission in making a certification as required by this section. Any action taken against a chief law enforcement officer or an employee shall be in accordance with Title 63G, Chapter 7, Governmental Immunity Act of Utah.